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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL RHAMBO,  
Plaintiff,

vs.

NORTHCROFT CO. L.P.; and DOES 1 to  
10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff MICHAEL RHAMBO ("Plaintiff") complains of Defendants  
NORTHCROFT CO. L.P.; and DOES 1 to 10 ("Defendants") and alleges as follows:

**PARTIES**

1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
from paraplegia due to T12 vertebrae thoracic spinal cord injury and is substantially

1 limited in his ability to walk. Plaintiff requires the use of a wheelchair at all times when  
2 traveling in public.

3 2. Defendants are, or were at the time of the incident, the real property owners,  
4 business operators, lessors and/or lessees of the real property for a bar ("Business")  
5 located at or about 142 Arrow Hwy., Covina, California.

6 3. The true names and capacities, whether individual, corporate, associate or  
7 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
8 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
9 Court to amend this Complaint when the true names and capacities have been  
10 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
11 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
12 Plaintiff for the acts herein alleged.

13 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
14 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
15 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
16 the things alleged herein was acting with the knowledge and consent of the other  
17 Defendants and within the course and scope of such agency or employment relationship.

18 5. Whenever and wherever reference is made in this Complaint to any act or  
19 failure to act by a defendant or Defendants, such allegations and references shall also be  
20 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
21 and severally.

## 22 **JURISDICTION AND VENUE**

23 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
24 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
25 *seq.*).

26 7. Pursuant to pendant jurisdiction, attendant and related causes of action,  
27 arising from the same nucleus of operating facts, are also brought under California law,  
28

1 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
2 54, 54., 54.3 and 55.

3 8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

4 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
5 property which is the subject of this action is located in this district, Los Angeles County,  
6 California, and that all actions complained of herein take place in this district.

7 **FACTUAL ALLEGATIONS**

8 10. In or about January of 2024, Plaintiff went to the Business.

9 11. The Business is a bar business establishment, open to the public, and is a  
10 place of public accommodation that affects commerce through its operation. Defendants  
11 provide parking spaces for customers.

12 12. While attempting to enter the Business during each visit, Plaintiff personally  
13 encountered a number of barriers that interfered with his ability to use and enjoy the  
14 goods, services, privileges, and accommodations offered at the Business.

15 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
16 included, but were not limited to, the following:

- 17 a. Defendants failed to comply with the federal and state standards for  
18 the parking space designated for persons with disabilities. Defendants  
19 failed to provide the parking space identification sign with the  
20 International Symbol of Accessibility.
- 21 b. Defendants failed to comply with the federal and state standards for  
22 the parking space designated for persons with disabilities. Defendants  
23 failed to post required signage such as "Van Accessible," "Minimum  
24 Fine \$250" and "Unauthorized Parking."
- 25 c. Defendants failed to comply with the federal and state standards for  
26 the parking space designated for persons with disabilities. Defendants  
27 failed to mark the space with the International Symbol of  
28 Accessibility.



- 1           a.     A failure to make reasonable modification in policies, practices, or  
2                     procedures, when such modifications are necessary to afford such  
3                     goods, services, facilities, privileges, advantages, or accommodations  
4                     to individuals with disabilities, unless the entity can demonstrate that  
5                     making such modifications would fundamentally alter the nature of  
6                     such goods, services, facilities, privileges, advantages, or  
7                     accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 8           b.     A failure to take such steps as may be necessary to ensure that no  
9                     individual with a disability is excluded, denied services, segregated or  
10                    otherwise treated differently than other individuals because of the  
11                    absence of auxiliary aids and services, unless the entity can  
12                    demonstrate that taking such steps would fundamentally alter the  
13                    nature of the good, service, facility, privilege, advantage, or  
14                    accommodation being offered or would result in an undue burden. 42  
15                    U.S.C. § 12182(b)(2)(A)(iii).
- 16          c.     A failure to remove architectural barriers, and communication barriers  
17                     that are structural in nature, in existing facilities, and transportation  
18                     barriers in existing vehicles and rail passenger cars used by an  
19                     establishment for transporting individuals (not including barriers that  
20                     can only be removed through the retrofitting of vehicles or rail  
21                     passenger cars by the installation of a hydraulic or other lift), where  
22                     such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 23          d.     A failure to make alterations in such a manner that, to the maximum  
24                     extent feasible, the altered portions of the facility are readily  
25                     accessible to and usable by individuals with disabilities, including  
26                     individuals who use wheelchairs or to ensure that, to the maximum  
27                     extent feasible, the path of travel to the altered area and the  
28                     bathrooms, telephones, and drinking fountains serving the altered

1 area, are readily accessible to and usable by individuals with  
2 disabilities where such alterations to the path or travel or the  
3 bathrooms, telephones, and drinking fountains serving the altered area  
4 are not disproportionate to the overall alterations in terms of cost and  
5 scope. 42 U.S.C. § 12183(a)(2).

6 21. Where parking spaces are provided, accessible parking spaces shall be  
7 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
8 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
9 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
10 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
11 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

12 22. Under the ADA, the method and color of marking are to be addressed by  
13 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California  
14 Building Code (“CBC”), the parking space identification signs shall include the  
15 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
16 with a minimum area of 70 square inches. Additional language or an additional sign  
17 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
18 parking space identification sign shall be permanently posted immediately adjacent and  
19 visible from each parking space, shall be located with its centerline a maximum of 12  
20 inches from the centerline of the parking space and may be posted on a wall at the  
21 interior end of the parking space. See CBC § 11B-502.6, et seq.

22 23. Moreover, an additional sign shall be posted either in a conspicuous place at  
23 each entrance to an off-street parking facility or immediately adjacent to on-site  
24 accessible parking and visible from each parking space. The additional sign shall not be  
25 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in  
26 letters with a minimum height of 1 inch the following: “Unauthorized vehicles parked in  
27 designated accessible spaces not displaying distinguishing placards or special license  
28

1 plates issued for persons with disabilities will be towed away at the owner's expense..."  
2 See CBC § 11B-502.8, et seq.

3 24. Here, Defendants failed to provide the parking space identification sign with  
4 the International Symbol of Accessibility. In addition, Defendants failed to provide the  
5 signs stating, "Minimum Fine \$250" and "Van Accessible." Moreover, Defendants failed  
6 to provide the additional sign with the specific language stating "Unauthorized vehicles  
7 parked in designated accessible spaces not displaying distinguishing placards or special  
8 license plates issued for persons with disabilities will be towed away at the owner's  
9 expense..."

10 25. The surface of each accessible car and van space shall have surface  
11 identification complying with either of the following options: The outline of a profile  
12 view of a wheelchair with occupant in white on a blue background a minimum 36" wide  
13 by 36" high (914 mm x 914 mm). The centerline of the profile view shall be a maximum  
14 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the  
15 length of the parking space and its lower side or corner aligned with the end of the  
16 parking space length or by outlining or painting the parking space in blue and outlining  
17 on the ground in white or a suitable contrasting color a profile view of a wheel chair with  
18 occupant. See CBC § 11B-502.6.4, et seq.

19 26. Here, Defendants failed to paint the International Symbol of Accessibility as  
20 required.

21 27. A public accommodation shall maintain in operable working condition those  
22 features of facilities and equipment that are required to be readily accessible to and usable  
23 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

24 28. By failing to maintain the facility to be readily accessible and usable by  
25 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related  
26 regulations.

27 29. The Business has denied and continues to deny full and equal access to  
28 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be



1 discriminated against due to the lack of accessible facilities, and therefore, seeks  
2 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
3 by individuals with disabilities.

## 4 **SECOND CAUSE OF ACTION**

### 5 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

6 30. Plaintiff incorporates by reference each of the allegations in all prior  
7 paragraphs in this complaint.

8 31. California Civil Code § 51 states, “All persons within the jurisdiction of this  
9 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
10 national origin, disability, medical condition, genetic information, marital status, sexual  
11 orientation, citizenship, primary language, or immigration status are entitled to the full  
12 and equal accommodations, advantages, facilities, privileges, or services in all business  
13 establishments of every kind whatsoever.”

14 32. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
15 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable  
16 for each and every offense for the actual damages, and any amount that may be  
17 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
18 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
19 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
20 person denied the rights provided in Section 51, 51.5, or 51.6.

21 33. California Civil Code § 51(f) specifies, “a violation of the right of any  
22 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
23 shall also constitute a violation of this section.”

24 34. The actions and omissions of Defendants alleged herein constitute a denial  
25 of full and equal accommodation, advantages, facilities, privileges, or services by  
26 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
27 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
28 51 and 52.



1           35. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
2 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
3 damages as specified in California Civil Code §55.56(a)-(c).

4                                   **THIRD CAUSE OF ACTION**

5                                   **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

6           36. Plaintiff incorporates by reference each of the allegations in all prior  
7 paragraphs in this complaint.

8           37. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
9 entitled to full and equal access, as other members of the general public, to  
10 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
11 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,  
12 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
13 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
14 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
15 places of public accommodations, amusement, or resort, and other places in which the  
16 general public is invited, subject only to the conditions and limitations established by  
17 law, or state or federal regulation, and applicable alike to all persons.

18           38. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
19 corporation who denies or interferes with admittance to or enjoyment of public facilities  
20 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
21 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
22 the actual damages, and any amount as may be determined by a jury, or a court sitting  
23 without a jury, up to a maximum of three times the amount of actual damages but in no  
24 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
25 determined by the court in addition thereto, suffered by any person denied the rights  
26 provided in Section 54, 54.1, and 54.2.

27           39. California Civil Code § 54(d) specifies, “a violation of the right of an  
28 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also

1 constitute a violation of this section, and nothing in this section shall be construed to limit  
2 the access of any person in violation of that act.

3 40. The actions and omissions of Defendants alleged herein constitute a denial  
4 of full and equal accommodation, advantages, and facilities by physically disabled  
5 persons within the meaning of California Civil Code § 54. Defendants have  
6 discriminated against Plaintiff in violation of California Civil Code § 54.

7 41. The violations of the California Disabled Persons Act caused Plaintiff to  
8 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
9 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 10 **FOURTH CAUSE OF ACTION**

#### 11 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

12 42. Plaintiff incorporates by reference each of the allegations in all prior  
13 paragraphs in this complaint.

14 43. Plaintiff and other similar physically disabled persons who require the use of  
15 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
16 such facility is in compliance with the provisions of California Health & Safety Code §  
17 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
18 provisions of California Health & Safety Code § 19955 et seq.

19 44. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
20 that public accommodations or facilities constructed in this state with private funds  
21 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
22 Title 1 of the Government Code. The code relating to such public accommodations also  
23 require that “when sanitary facilities are made available for the public, clients, or  
24 employees in these stations, centers, or buildings, they shall be made available for  
25 persons with disabilities.

26 45. Title II of the ADA holds as a “general rule” that no individual shall be  
27 discriminated against on the basis of disability in the full and equal enjoyment of goods  
28 (or use), services, facilities, privileges, and accommodations offered by any person who

owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a). Further, each and every violation of the ADA also constitutes a separate and distinct violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an award of damages and injunctive relief pursuant to California law, including but not limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

## **FIFTH CAUSE OF ACTION**

### **NEGLIGENCE**

46. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

47. Defendants have a general duty and a duty under the ADA, Unruh Civil Rights Act and California Disabled Persons Act to provide safe and accessible facilities to the Plaintiff.

48. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

49. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;

2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;

3. Award of all reasonable restitution for Defendants' unfair competition practices;

4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;

5. Prejudgment interest pursuant to California Civil Code § 3291; and

1           6.       Such other and further relief as the Court deems just and proper.

2                               **DEMAND FOR TRIAL BY JURY**

3           Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
4 demands a trial by jury on all issues so triable.

5  
6 Dated: April 12, 2024

SO. CAL. EQUAL ACCESS GROUP

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9 By: /s/ Jason J. Kim  
10 Jason J. Kim, Esq.  
11 Attorneys for Plaintiff  
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